IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 8500 of 2007(J)

PETITIONER:

MOHANAN PILLAI, S/O.SUKUMARAN NAIR,
AGED 36 YEARS, RESIDING AT SANKARAMANGALATHU,
KADAMPANADU P.O., ADOOR.

BY ADV. SRI.P.DEEPAK.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY, MINISTRY OF TRANSPORT, THIRUVANANTHAPURAM.**
2. **REGIONAL TRANSPORT AUTHORITY, PATHANAMTHITTA.**
3. **KERALA STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, THIRUVANANTHAPURAM.**

BY ADV. SRI. K. PRABHAKAA, SC, KSRTC,
SR. GOVT. PLEADER SMT. M.K. PUSHPALATHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO.8500 OF 2007-J

JUDGMENT

The petitioner challenges Ext.P1 decision of the R.T.A., Pathanamthitta directly before this Court,without invoking the appellate remedy available to him before the S.T.A.T. He submits, since the point raised by him is covered against him by the decision in **Rahul Tom v. K.S.R.T.C.** [2001(3) KLT 261], the Tribunal may not be able to grant any relief. But, I am bound by the decision of the Division Bench of this Court in **Rahul Tom**'s case. In view of the decision of the Division Bench of this Court in **Kannappan v. R.T.O., Ernakulam** (1988(1) KLT 902), it is not proper for the Single Bench to doubt the correctness of a Division Bench decision. The Single Bench may doubt the decision of a Division Bench, if the same is in conflict with another Division Bench decision or the decision of the Apex Court. In view of the above position, the contention of the petitioner cannot be accepted. Accordingly, the Writ Petition is dismissed.

14th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/